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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,507	10/10/2003	Michiharu Arimoto	L8612.03103	9880
7590 05/15/2008 STEVENS, DAVIS, MILLER & MOSHER, L.L.P. Suite 850 1615 L Street, N.W. Washington, DC 20036				
EXAMINER				
CLOUD, JOIYA M				
ART UNIT		PAPER NUMBER		
2144				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/682,507

**Applicant(s)**

ARIMOTO ET AL.

**Examiner**

Joiya M. Cloud

**Art Unit**

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 February 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-24 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 10 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☒ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

***DETAILED ACTION***

1. This action is responsive to communications 02/15/2008. Claims 1-24 are pending. Applicant's arguments have been carefully considered, but are not persuasive. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/15/2008 has been entered.

2.

***Priority***

Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a certified English translation of the foreign application must be submitted in reply to this action. 37 CFR 41.154(b) and 41.202(e).

Failure to provide a certified translation may result in no benefit being accorded for the non-English application JP P2002-299997.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-24**, are rejected under 35 U.S.C. 102(b) as being anticipated by **Cartsonis et al.** (U.S. Patent No. 6,584,501 B1, hereinafter **Cartsonis**) in view of **Ludwig et al.** (US Patent No. 6,351,762 B1).

**As per claim 1**, Cartsonis discloses the invention substantially as claimed. Cartsonis teaches a network monitoring system comprising: a data acquisition section that acquires a plurality of packets flown on the network; a data analysis section (**Figure 8, where the thread analysis takes place based on the packets in the stream by the analyzer. The packets are acquired and decoded, col. 6, lines 64-67**) for acquiring the action explanation information from the plurality of packets acquired by the data acquisition section (**col. 2, lines 58-67, Figure 8, where packets in the streams are acquired and decoded**); and a display-information generation section that generates information of each individual action occurring on the network on the basis of the action explanation information acquired by the data analysis section (**Abstract, col. 3, lines 58-67 col. 2, lines 58-67, and col. 7, lines 10-26, where Cartsonis-Ludwig teaches a method for analyzing and displaying network traffic performance assessment data in a computer network and upon receiving a plurality of packets, performs**

**thread analysis and then collects and stores the information. Cartsonis-Ludwig further discloses a generated graphical representation of the analyzed data);** and a display unit that displays the information generated by the display-information generation section **(Figure 2).**

Cartsonis does not explicitly teach wherein in response to a request by a user, the display-information generation section, the display-information generation section regenerates, for continuous play back, information of a sequence of individual actions that occurred on the network and cooperates with the display unit to display, during each play back, the regenerated information of each individual action of the sequence at the same time interval within the sequence as the action occurred.

Ludwig however teaches wherein in response to a request by a user, the display-information generation section, the display-information generation section regenerates, for continuous play back, information of a sequence of individual actions that occurred on the network and cooperates with the display unit to display, during each play back, the regenerated information of each individual action of the sequence at the same time interval within the sequence as the action occurred **(col. 28, lines 48-65).**

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporate Cartsonis-Ludwig' teachings to the teachings of Ludwig, for the purpose of "reproduce[ing] annotated snapshots as they occurred at recording" **(col. 28, lines 64-65).**

**As per claim 2**, Cartsonis-Ludwig teaches a network monitoring system wherein the action explanation information is defined in advance (**Cartsonis: col. 4, lines 38-52, where the user is able to define action information, col. 7, lines 37-52**).

**As per claim 3**, Cartsonis-Ludwig teaches a network monitoring system wherein the data analysis section identifies kinds of the packets acquired by the data acquisition section and acquires the action explanation information from the packets on the basis of the identified kinds of the packets (**Cartsonis: col. 6, lines 64-67 and col. 7, lines 1-9, where individual packets are decoded and defined in relation to a specific application being analyzed**).

**As per claim 4**, Cartsonis-Ludwig teaches a network monitoring system wherein the action explanation information includes: sending source computer information included in a connection packet (**col. 6, lines 60-63**); user information included in an authentication packet (**Cartsonis: where the information includes the thread name, the name ultimately authenticates which determines the group that the packets are assigned to during analysis, col. 6, lines 13-23**); action object information included in an object specification packet (**information related to the specific application, col. 6, lines 64-67**); action information included in a command packet (**Cartsonis: where the analysis information may be specific to a "Get command" col. 7, line 5**); and data included in a data packet (**Cartsonis: col. 4, lines 38-52, col. 6, lines 58-63 and col. 7, lines 6-10**).

**As per claim 5**, Cartsonis-Ludwig teaches a network monitoring system further comprising an analysis data storage section for storing the action explanation information acquired by the data analysis section, wherein: the display-information generation section

regenerates the information of the sequence of individual actions that occurred on the network from the action explanation information stored by the analysis data storage section **(the analysis data storage section is taught by Cartsonis, col. 6, lines 53-63, where the analyzer which performs thread analysis “stores information describing the thread name, source and destination nodes”, etc and col. 7, lines 10-25, Figure 7, item 704).**

**As per claim 6**, Cartsonis-Ludwig teaches a network monitoring system wherein the action explanation information stored by the analysis data storage section includes time information, which corresponds to time at which the single action was performed **(col. 4, lines 38-46 and col. 5, lines 4-17)**; and the display-information generation section regenerates the display information used to playback and display the action explanation information stored by the analysis data storage section in accordance with the time information, in response to a request of a user **(col. 5, lines 4-17, col. 7, lines 59-65 and col. 7, lines 37-52, where bars of the graphical representation are updated in accordance with the new time axis).**

**As per claim 7**, Cartsonis-Ludwig teaches a network monitoring system wherein the display-information generation section continuously regenerates the sequence after each predetermined period, which period is accurate within 500 milliseconds. **(Cartsonis: col. 7, lines 59-65).**

**As per claim 8**, Cartsonis-Ludwig teaches a network monitoring system wherein the display-information generation section extracts and generates the display information in accordance with display setting by a user **(Cartsonis: col. 3, lines 58-65, col. 7, lines 59-65, and col. 7, lines 37-52).**

**Claims 9-16** are substantially the same as claims 1-8 but in method form rather than system form. Therefore, claims 9-16 are rejected using the same rationale as claims 1-8.

**Claims 17-24** are substantially the same as claims 1-8 and thus rejected using the same rationale.

***Response to Arguments***

A) The combined teachings of Cartsonis and Ludwig are not applicable to a network employing an SMB protocol

As to the above point A), Examiner respectfully notes that in response to Applicant's argument that the references fail to show certain features of Applicant's invention, it is noted that the features upon which applicant relies (i.e., employing an SMB protocol) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, the claim does not require that the network monitoring system as defined in claim 1, employ an SMB protocol, however is only exemplified as such type of system. In regards to the newly amended claim features, "action explanation for explaining each individual action is acquired from a plurality of packets," Examiner submit that the explanation information is the data gathered in the analysis process, as disclosed by Cartsonis, from "examining individual packets" (i.e. the plurality of packets recited in claim 1).



See col. 6, lines 64-67. With respect to the new limitations of claims 4, 12, and 20, see above new grounds of rejection.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*JMC*

*/William C. Vaughn, Jr./*

**Supervisory Patent Examiner**

**May 11, 2008**

